

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GUY GRABNER, CHARLES SCOTT,
CONNELL HERRING and
SHECNELL GORDON,

Plaintiff,

ORDER

v.

09-cv-568-slc¹

TW VENDING, the vendor and owner
of machines at the Racine County Jail,
717 Wis Ave 53403, and
RACINE COUNTY SHERIFF DEPARTMENT,

Defendants.

This is a civil action brought by plaintiffs Guy Grabner, Charles Scott, Connell Herring and Shecnell Gordon for alleged violations of their constitutional rights during their incarceration at the Racine County jail in Racine, Wisconsin. Plaintiffs each requested leave to proceed in forma pauperis. In an order entered on September 17, 2009, Magistrate

¹ While this court has a judicial vacancy, it is assigning 50% of its caseload automatically to Magistrate Judge Stephen Crocker. At this early date, consents to the magistrate judge's jurisdiction have not yet been filed by all the parties to this action. Therefore, for the purpose of issuing this order only, I am assuming jurisdiction over the case.

Crocker advised plaintiffs that each must submit a six-month trust fund account statement and confirm whether they wish to prosecute their action in a group complaint. Dkt. #3. Although the deadline for responding to the order was October 15, 2009, none of the plaintiffs have responded. On September 24, the copies of the order that were sent to plaintiffs Grabner and Gordon were returned as undeliverable. Dkt. #4. On October 23, the court learned that plaintiff Grabner had been transferred to the Dodge Correctional Institution.

Because plaintiffs Scott and Herring have not responded to the court's order and because plaintiff Gordon cannot be located, I will abide by the September 17 order and assume that they have voluntarily withdrawn from this lawsuit, dismiss them from the case and not charge them any portion of the \$350 filing fee. A copy of the September 17 order and this order will be sent to plaintiff Grabner at the Dodge Correctional Institution. Plaintiff Grabner will have until December 2, 2009 to comply with the requirements set forth in the September 17 order.

ORDER

IT IS ORDERED that:

1. Plaintiff Guy Grabner has until December 2, 2009, in which to respond to this court's order dated September 17, 2009. If plaintiff Grabner fails to respond by that date,

he will be considered to have withdrawn voluntarily from the lawsuit and will be dismissed from the case without being charged any portion of the \$350 filing fee.

2. Plaintiffs Charles Scott, Connell Herring and Shecnell Gordon are DISMISSED because they voluntarily withdrew from this case. None of these plaintiffs owe any portion of the \$350 filing fee.

Entered this 3rd day of November, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge